

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-0238V

DANAE DENTON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 31, 2023

Laura Levenberg, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Parisa Tabassian, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On March 2, 2022, Danae Denton filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza and/or Tdap vaccination she received on September 23, 2020. Petition at ¶1. Petitioner further alleges that her “SIRVA symptoms persisted for more than six months.” Petition at ¶11. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 18, 2023, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, Respondent that “Petitioner’s alleged injury is consisted with SIRVA as

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

defined by the Vaccine Injury Table. Specifically, Petitioner had no history of pain, inflammation, or dysfunction of her left shoulder prior to her vaccinations; pain occurred within 48 hours after receipt of the intramuscular vaccinations; pain was limited to the shoulder in which the vaccines were administered; and no other condition or abnormality has been identified to explain Petitioner's shoulder pain." *Id.* at 4. Respondent further agrees that "Petitioner suffered the residual effects of her condition for more than six months." *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master